

Members

Sen. Thomas Wyss, Chairperson  
Sen. Travis Holdman  
Sen. Ryan Mishler  
Sen. Jean Breaux  
Sen. John Broden  
Sen. Lindel Hume  
Rep. Terri Austin, Vice-Chairperson  
Rep. Joe Micon  
Rep. Sandra Blanton  
Rep. Thomas Knollman  
Rep. Phil Hinkle  
Rep. Robert Cherry



## INTERIM STUDY COMMITTEE ON LEARNER'S PERMITS AND GRADUATED DRIVER'S LICENSES

LSA Staff:

Susan Montgomery, Attorney for the Committee  
James Sperlik, Fiscal Analyst for the Committee

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*Legislative Services Agency*  
200 West Washington Street, Suite 301  
Indianapolis, Indiana 46204-2789  
Tel: (317) 233-0696 Fax: (317) 232-2554

### MEETING MINUTES<sup>1</sup>

Meeting Date: October 1, 2008  
Meeting Time: 10:00 A.M.  
Meeting Place: State House, 200 W. Washington  
St., Room 233  
Meeting City: Indianapolis, Indiana  
Meeting Number: 2

**Members Present:** Sen. Thomas Wyss, Chairperson; Sen. Travis Holdman; Rep. Terri Austin, Vice-Chairperson; Rep. Joe Micon; Rep. Sandra Blanton; Rep. Thomas Knollman; Rep. Phil Hinkle; Rep. Robert Cherry.

**Members Absent:** Sen. Ryan Mishler; Sen. Jean Breaux; Sen. John Broden; Sen. Lindel Hume.

Chairperson Wyss called the meeting to order at 10:14 a.m and remarked that recently the media has paid much attention to the Committee. The members of the Committee and the Legislative Services Agency staff were introduced. Senator Holdman read an email from a constituent from Decatur, Indiana, received that morning, as a result of an on-line survey that the Senator had sent. The constituent urged the passage of graduated driver's license language, owing to concern about a family tragedy involving a young driver. Chairperson Wyss stated that discussion today would focus on the introduced version of HB 1112-2008 (Exhibit A), the graduated driver's license (GDL) bill. He then introduced those testifying

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<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

today.

#### 1. Steve Johnson, Indiana Prosecuting Attorneys Council

Mr. Johnson believes that many issues concerning graduated driver's licenses are beyond the scope of the Prosecuting Attorneys Council, but he believes that prosecutors would be in support of postponing the age of unrestricted driving. He thinks that the age of the driver is the most important point in learning to drive safely, and gave statistics on restrictions or prohibitions against cell phone use in other states. He feels that curfew laws should be enforced more often by law enforcement, although some law enforcement officers believe that Indiana does not have a valid curfew law since there have been several recent court challenges. As a practical matter, when a juvenile is taken into custody for a curfew violation, that may take the officer off patrol for quite some time. Senator Holdman suggested that a placard could be placed in a vehicle's window to alert an officer that a newly licensed operator is driving. A suggestion was made that a voluntary sticker asking "How's My Driving" or "Call My Mom" with a home telephone number could be used to alert parents of the driver's competence. Representative Micon asked if the proposal in HB 1112 to assess a Class C infraction against a passenger accompanying a newly licensed driver without an accompanying adult was appropriate. Mr. Johnson thought a Class D penalty might be more just.

#### 2. Lieutenant Mark Carnell, Indiana State Police

Lieutenant Carnell has been a member of the Indiana State Police for 21 years as a trooper and supervisor and is now on its legal staff as a staff attorney. He believes that drivers are distracted by cellphones and navigation devices. Senator Wyss raised a question about televisions in motor vehicles. In response, Committee Attorney Susan Montgomery and Lieutenant Carnell agreed that Indiana law prohibits televisions in motor vehicles that are visible to the driver but prohibits no other type of visual screen. In response to Representative Hinkle, Lieutenant Carnell stated that there is no evidence that devices that obstruct hearing lead to accidents, but intuitively that would seem to be true. Representative Cherry raised a concern with the use of handheld devices by public passenger chauffeurs.

#### 3. Judge Paul Mathias, Indiana Court of Appeals

Judge Mathias believes that age is the most important factor in safe driving by newly licensed drivers. He wondered if devices designed to be handheld that are mounted within a vehicle and then broadcast through the radio cease being handheld devices. On a personal basis, he would welcome a sticker on a vehicle showing that it is being operated by a newly licensed driver. He has reservations about the proposed level of infraction for a passenger accompanying a new driver; he believes the driver will always know licensing status, but not necessarily the passenger. He fears that driving with earbuds will lead to accidents; some are very effective at keeping out noise. Representative Hinkle thinks perhaps legislation should limit earbud use to only one ear. Judge Mathias reminded the Committee that driving is a privilege and thinks that it is correct public policy to seek to make roads safer.

#### 4. Robert Spolyar, State Farm Insurance

Mr. Spolyar believes that there should be minimum holding periods for learner's permits. He furnished the Committee with information entitled "Graduated Driver Licensing" (Exhibit B). He stated that California had a significant reduction in crashes when its GDL bill became law, and that insurance premiums might be reduced if the GDL law were to pass.

Senator Wyss gave the Committee an article "Warning: Teen Drivers" (Exhibit C). Representative Hinkle suggested that restrictions be placed on drivers under age 19 to be the most effective.

Discussion then ensued as to the possibility of extending the probationary driver's license period after commission of traffic offenses by the driver. Mr. Johnson cautioned that if an offense qualified for pre-trial diversion, it would not show up on a record if successfully diverted. Even a crime committed by a juvenile would not show up on a criminal history. Representative Cherry suggested that a traffic offense committed by a newly licensed driver could require a longer time that the new driver needed to be accompanied by a supervising driver. Discussion continued on the subject of a distinguishing placard being required to be on a motor vehicle operated by a newly licensed driver. The Committee agreed that such a placard should be displayed on the front of a vehicle so that law enforcement may see it clearly. During the discussion, the Committee was given Exhibits D through L by Sherry Deane of the American Automobile Association.

The Committee agreed to prepare two preliminary drafts for consideration at its next meeting. The first draft is to be based on HB 1112-2008, but will provide that when there is no supervising adult driver in the motor vehicle an accompanying passenger should be cited for a Class D infraction. Another change requested to HB 1112-2008 is to require a newly licensed driver to display a distinguishing placard on the front of the vehicle when operating the vehicle. The second draft will include language prohibiting the use by a driver of an electronic device with a moving screen that is not being used for navigational or directional use, and will prohibit the use of handheld devices by an operator holding a public passenger license while driving.

Mr. Johnson and Lieutenant Carnell were asked by Chairperson Wyss to research whether it would be feasible to extend the probationary period for a newly licensed driver if the individual cited paid the fine without contest and did not actually appear before a judge. Representative Cherry asked Mr. Spolyar if the proposed placard signifying a newly licensed driver could be distributed by insurance companies. Mr. Spolyar stated that it might be possible, but Representative Hinkle cautioned that, unfortunately, not all drivers secure insurance.

Chairperson Wyss scheduled the next meeting of the Committee for Tuesday, the 14th of October at 10:00 a.m. at the State House. There being no more business before the Committee, the meeting was adjourned at 12:10 p.m.